



PUBLIC NOTICE

Federal Communications Commission
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DA 00-969
May 2, 2000

**Allegheny Communications Connect of Virginia, Inc. Seeks Commission
Determination of "Exempt Telecommunications Company" Status Under the
Public Utility Holding Company Act of 1935, As Amended by Section 103
of the Telecommunications Act of 1996**

NSD File No: ETC 00-17

Pleading Cycle Established

Comments Due: May 23, 2000

Reply Comments Due: June 6,

2000

On April 24, 2000, Allegheny Communications Connect of Virginia, Inc. ("ACCVA" or "Applicant"), pursuant to Section 34(a)(1) of the Public Utility Holding Company Act of 1935 ("PUHCA"), as added by Section 103 of the Telecommunications Act of 1996, Pub. L. No. 104-104, filed an application requesting a Commission determination that it is an exempt telecommunications company ("ETC").

ACCVA states it is being established as a wholly-owned subsidiary of Allegheny Communications, Connect, Inc. ("ACC"), a Delaware corporation which itself is an ETC. ACC is a direct, wholly-owned subsidiary of Allegheny Ventures, Inc., a Delaware corporation, which is a wholly-owned subsidiary of Allegheny Energy, Inc., a Maryland corporation and a registered holding company under PUHCA. ACCVA will be engaged directly or indirectly through one or more affiliates (as defined in Section 2(a)(11)(B) of PUHCA), and exclusively in the business of providing: (a) telecommunications services; (b) information services; (c) other services or products subject to the jurisdiction of the Commission; and/or (d) products or services that are related or incidental to the provision of a product or service described in (a), ((b) or (c) above. More specifically, ACCVA states it intends to provide a limited range of facilities-based telecommunications services in Virginia. ACCVA does not propose to offer any switched services. Initially, ACCVA intends to provide non-switched, dedicated telecommunications services to connect (a) various premises of ACCVA's customers, (b) premises of ACCVA's customers with the points of presence of interexchange carriers, or (c) the premises of ACCVA's customers with internet service providers. In many cases, ACCVA states that it will only be providing "dark fiber" for use by others.

In addition to the planned activities above, ACCVA states that it may in the future engage

in such other business activities as are consistent with the definition of an ETC set forth in Section 34(a)(1) of PUHCA.

In accordance with 47 C.F.R. § 1.5004, if the Commission does not issue an order denying any of the applications within 60 days of receipt of the applications, April 24, 2000, the applications will be deemed granted as a matter of law. In accordance with 47 C.F.R. § 1.5003, a person applying in good faith for a Commission determination of ETC status is deemed to be an ETC from the date of receipt of the application, April 24, 2000, until the date of Commission action pursuant to 47 C.F.R. § 1.5004. In accord with 47 C.F.R. § 1.5005, the Secretary of the Commission is now notifying the Securities and Exchange Commission (SEC) that Applicants are deemed to be exempt telecommunications companies. In the event that the Commission issues an order within 60 days of receipt of the application denying the application, the Secretary will so notify the SEC. Otherwise, the Commission will take no further action to grant these applications.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. §§ 1.1200 - 1.1206. Persons wishing to file comments, regarding the adequacy or accuracy of the Applicant's application requesting status as an ETC, must do so no later than **May 23, 2000**. All comments should also be served on the Applicant. Reply comments must be filed no later than **June 6, 2000**.

Interested parties should file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 Twelfth St., SW, Room TW-A325, Washington, D.C. 20554. In addition, parties should send one copy to ITS, at 1231 20th Street, NW, Washington, D.C. 20036 and two copies to Al McCloud, Common Carrier Bureau, Network Services Division, FCC, 445 12th Street, SW, Room 6-A320, Washington, D.C. 20554. All filings concerning any of the matters referenced in this Public Notice should refer to NSD File No. **ETC 00-17**. The application will be available for public inspection Monday through Friday in the FCC Reference Center, Portals II, 445 12th Street, SW, Suite CY-A257, Washington, D.C., 20554, (202) 418-0267.

For further information, contact Al McCloud, (202) 418-2499 (voice), amccloud@fcc.gov or Marty Schwimmer, (202) 418-2320 (voice), mschwimm@fcc.gov, of the Network Services Division, Common Carrier Bureau. The TTY number is (202) 418-0484.

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